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August 1, 2005

VIA FACSIMILE
EXPEDITED PROCEDURE

To: Examiner Olisa Anwah
Group Art Unit No. 2645
U. S. P. T. O.

Facsimile No. 571-273-8300

From: Phillip E. Miller

Facsimile No. 703-761-2375

Re: Filing of Second Appeal Brief and Petition
U. S. Patent Application Serial No. 09/723,235
Our Ref: YOR.229

Dear Examiner:


Enclosed please find a Second Appeal Brief and a Petition under 37 CFR 1.181 for Withdrawal of Notice of Defective Appeal Brief, Entry of After-Final Amendment, and for an Examiner's Answer.

Thank you in advance for your kind consideration of this case.

Very truly yours,


Phillip E. Miller

PEM/lmb
Enclosure

TRANSMITTAL OF APPEAL BRIEF (Large Entity)					Docket No. YO999-349	
In Re Application Of: Gee-Gwo Mei						
Application No. 09/421,363	Filing Date 10/19/1999	Examiner Anwab, Olisa	Customer No.	Group Art Unit 2645	Confirmation No. 4029	
Invention: SYSTEM AND METHOD FOR PERSONALIZING DIALOGUE MENU FOR AN INTERACTIVE VOICE RESPONSE SYSTEM						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on February 16, 2005						
The fee for filing this Appeal Brief is: \$500.00 (<u>Already Paid</u>)						
<input type="checkbox"/> A check in the amount of the fee is enclosed.						
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.						
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0510						
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 _____ <i>Signature</i>			Dated: August 1, 2005			
Phillip E. Miller, Reg. No. 46,060 McGinn & Gibb, PLLC 8321 Old Courthouse Road, Suite 200 Vienna, Virginia 22182-3817 703-761-4100 Customer No. 21254			<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date)</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">_____ Signature of Person Mailing Correspondence</div> <div style="border: 1px solid black; padding: 5px;">_____ Typed or Printed Name of Person Mailing Correspondence</div>			
cc:						

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09/421,363
YOR919990349US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gee-Gwo Mei et al.

Serial No.: 09/421,363 Group Art Unit: 2645

Filed: November 19, 1999 Examiner: Olisa Anwah

For: SYSTEM AND METHOD FOR PERSONALIZING DIALOGUE MENU FOR AN
INTERACTIVE VOICE RESPONSE SYSTEM

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

APPELLANT'S BRIEF ON APPEAL

Sir:

This Second Brief on Appeal is filed in response to the Notification of Non-Compliant Appeal Brief dated June 30, 2005 in this Application.

Appellant respectfully appeals the final rejection of claims 1-42 in the Office Action dated November 16, 2004. A Notice of Appeal was filed herein on February 16, 2005.

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, assignee of 100% interest of the above-referenced patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, Appellant's legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.